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In re Application of
Andreas Strauss et al
Serial No.: 09/424,244
Filed: April 11, 2000
Attorney Docket No.: P64075USO

: PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed April 1, 2004, by facsimile (originally filed June 13, 2003) requesting withdrawal of abandonment based on failure to receive an Office action.

A review of the file history shows that the examiner mailed an Office action to applicants on July 26, 2001, setting a three month shortened statutory period for reply and requiring compliance with sequence rules. Applicants replied on January 28, 2002, including a request and fee for a three month extension of time. No sequence disk or listing was furnished. The examiner mailed a Notice of Non-responsive Amendment to applicants on April 18, 2002, setting a one month time period for compliance with sequence rules. A reply with a sequence listing and CRF disk was filed on July 18, 2002. The Office found the disk non-compliant and provided an error report to the examiner on August 12, 2002. It is not clear that this error report was ever mailed to applicants. A Notice of Abandonment was mailed to applicants for failure to respond to an Office action indicated as having been mailed July 31, 2002. There is no record of any Office action having been mailed at or about that time. Such Office action would have included the error report, if mailed. In view of the evidence presented the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for remailing of the error report received August 12, 2002.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Jasemine C. Chambers
Director, Technology Center 1600